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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew D. Dingsor

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09/15/2006

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,825

Applicant(s)

DINGSOR ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. In response to applicant's arguments, the recitation "said NAT machine performing an inbound translation on said client packet and forwarding said translated client packet to one of the plurality of servers" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
2. In claim 1, Applicant claimed three method steps that did not include the "inbound translation" argued by Applicant. Claim 15 is equivalent.
3. Claim 9 did include "a NAT machine for receiving a client packet from a client, performing an inbound translation on the client packet to produce a translated client packet, and sending said translated packet to one of a plurality of servers coupled to the NAT machine...". However, Borella further taught this limitation in column 4, lines 25-37, explaining in detail the translation efforts of NAT machines in the prior art. As taught in Borella, NAT machines performed packet translations as packets were received. *Id.* The rejection is not altered below, but this additional citation is added for Applicant's benefit.
4. Whereas the citations are given to aid Applicant in his response to the rejection, Applicant is responsible for the prior art in its entirety.
5. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In *re Preda*, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In *re Shepard*, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In *re Sovish*, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In *re Jacoby*, 309 F. 2d 513, 135

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USPQ 317 (CCPA 1962). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

6. Applicant argued Borella failed to disclose transmitting a packet bypassing the NAT servers. In column 12, lines 16-27, Borella specifically stated that NAT was not further used after the first use of NAT in the router. If NAT is not used, then the packet is transmitted "bypassing the NAT servers."

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella et al. (US 6,353,614 B1).

9. In regard to claims 1, 9 and 15, Borella disclosed:

*preparing, by said one of the plurality of servers, a response packet responsive to the client packet;* (column 9, lines 1-16)

*performing, by said one of the plurality of servers, a translation operation on the response packet to produce a translated response packet;* (column 9, lines 1-16) and

*transmitting the translated response packet directly to the client from said one of the plurality of servers, thereby bypassing the NAT machine.* (column 12, lines 16-27)

Claim 9 further disclosed:

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*a NAT machine for receiving a client packet from a client, performing an inbound translation on the client packet to produce a translated client packet, and sending said translated packet to one of a plurality of servers coupled to the NAT machine. (column 4, lines 25-37)*

10. In regard to claim 2, Borella disclosed:

*determining whether translation instructions are stored in said one of the servers; (column 12, lines 16-27)*

*executing the performing step if the determining step indicates that the translation instructions are stored in said one of the servers. (column 12, lines 16-27)*

11. In regard to claims 3, 10 and 16, Borella disclosed:

*sending the response packet from said one of the servers to the NAT machine if the determining step indicates that the translation instructions are not stored in said one of the servers. (column 12, lines 3-27)*

12. In regard to claims 4, 11 and 17, Borella disclosed:

*performing a translation operation on all subsequent response packets prepared by said one of the servers based on the translation instructions; (column 12, lines 16-27) and*

*transmitting the translated subsequent response packets directly to the client. (column 12, lines 16-27)*

13. In regard to claims 5 and 18, Borella disclosed:

*determining, by the NAT machine, if predetermined criteria have been satisfied for sending the translation instructions to said one of the servers; (column 8, lines 28-61) and*

*sending the translation instructions to said one of the servers if the predetermined criteria have been satisfied. (column 8, lines 28-61)*

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14. In regard to claims 6, 12 and 19, Borella disclosed:

*the translations instructions identify information to be modified in a header of the response packet. (column 8, lines 28-61)*

15. In regard to claims 7, 13 and 20, Borella disclosed:

*evaluating a header of the response packet to identify a current IP destination address and a current destination port indicated in the header, (column 9, lines 1-16)*

*determining, using the translation instructions, a client IP address and a client port associated with the current IP destination address and the current destination port, (column 9, lines 1-16) and*

*modifying the header of the response packet to designate the client IP address and client port as the current IP destination address and the current destination port, respectively. (column 9, lines 1-16)*

16. In regard to claims 8, 14 and 21, Borella disclosed:

*transmitting, by the NAT machine, instructions to stop the translation operation; (column 7, lines 25-44) and*

*transmitting, by said one of the servers, the response packet to the NAT machine according to said instructions. (column 7, lines 25-44)*

### **Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nessett et al.	US 6,055,236
Cudak et al.	US 6,058,106
Narad et al.	US 6,157,955
Mahler et al.	US 6,381,638 B1
Lee et al.	US 6,601,101 B1
Schuster et al.	US 6,822,957 B1
Grabelsky et al.	US 7,032,242 B1

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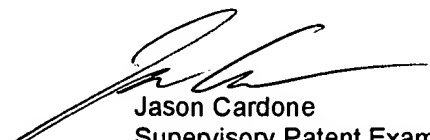
18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145